



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA

V.

TIMOTHY MONTGOMERY

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CASE NO. 1:05-CR-13

**MEMORANDUM ORDER ADOPTING
FINDINGS OF FACT AND RECOMMENDATION ON PLEA OF TRUE**

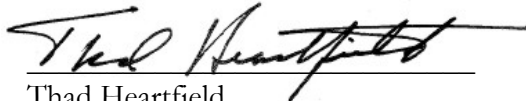
The Court referred this matter to United States Magistrate Judge Keith F. Giblin, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas. In accordance with 18 U.S.C. § 3401(i) and 18 U.S.C. § 3583(e), Judge Giblin held a hearing and submitted findings of fact and a recommendation on the revocation of the defendant's supervised release.

Having conducted the proceedings in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and 18 U.S.C. § 3583, the magistrate judge issued his *Findings of Fact and Recommendation on Plea of True* [doc. #59]. The magistrate judge recommended that the Court revoke the defendant's supervised release and impose a term of imprisonment for the revocation with no additional supervision to follow.

The parties have not objected to Judge Giblin's report, and the defendant waived his right to be present and allocute at sentencing. Accordingly, after review, the Court concludes that the *Findings of Fact and Recommendation* should be accepted.

It is **ORDERED** that the *Findings of Fact and Recommendation on Plea of True* [doc. #59] are **ADOPTED**. The Court finds that Defendant, Timothy Montgomery, violated conditions of his supervised release. The Court accordingly **ORDERS** that the Defendant's term of supervision is **REVOKED**. Pursuant to the magistrate judge's recommendation, the Court **ORDERS** Defendant to serve a term of twenty-four (24) months imprisonment for the revocation. Twelve months of this term is to run concurrently to the term of imprisonment Mr. Montgomery is currently serving in the Federal Bureau of Prisons, and the remanding twelve months will run consecutively to his current term of imprisonment. No further term of supervised release is ordered.

SIGNED this the **1** day of **June, 2011**.


Thad Heartfield
United States District Judge